

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

**BLACK DIAMOND DEVELOPERS, LP AND  
CCC OPERATIONS, LLC,**

**Plaintiffs,**

**VS.**

**C.A. NO. 7:23-cv-00143**

**HOMEOWNERS' ASSOCIATION OF  
CIMARRON, INC.;  
JOSEPH FELTON PHILLIPS;  
LARRY FAIR;  
KEITH MOORE;  
RICARDO LEE SALINAS;  
RICHARD ROTH;  
CARLOS MARTINEZ; AND  
SUSAN GALIK**

## Defendants.

## STATUS REPORT ON STAY OF PROCEEDINGS

TO THE HONORABLE RANDY CRANE, CHIEF U.S. DISTRICT JUDGE:

COME NOW, BLACK DIAMOND DEVELOPERS, LP (“Black Diamond”) AND CCC OPERATIONS, LLC (“CCC”) (hereinafter Black Diamond and CCC are collectively referred to as “Plaintiffs”) and make this their Status Report on Stay of Proceedings as follows:

1. On April 28, 2024, the Plaintiffs filed their Plaintiffs' Unopposed Motion for Stay of Proceedings (Dkt. No. 63) based on settlement discussions that were taking place with the Defendants and the City of Mission. The Plaintiffs asked the Court to stay the proceedings while settlement negotiations were ongoing. The Court agreed and stayed proceedings in the case, setting a status conference for August 9, 2024. (Dkt. No. 64).

2. Settlement discussions were fruitful, but a continuation of the stay of proceedings was needed to complete a sale of the property to the City, which was key to all other settlement. On

July 24, 2024, the Plaintiffs filed their Plaintiffs' Unopposed Motion for Continued Stay of Proceedings (Dkt. No. 65), which the Court granted. The Court continued the status conference to November 15, 2024. (Dkt. No. 66).

3. Negotiations and work on a real estate contract continued, and on October 15, 2024, a real estate purchase contract was executed by the City. The contract was submitted to a title company with earnest money. There was an inspection period, and the City began its inspection of the property.

4. At the November 15, 2024, status conference, the Plaintiffs' counsel informed the Court that a contract for sale of the property to the City of Mission had been executed and put into a title company. The Court continued the status conference to January 17, 2025. (Dkt. No. 67).

5. On December 4, 2024, the City terminated the real estate purchase contract, ending settlement negotiations.

Respectfully submitted,

**THE PROBUS LAW FIRM**

By: /s/ Matthew B. Probus

**Matthew B. Probus**

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*ATTORNEYS FOR THE PLAINTIFFS,  
BLACK DIAMOND DEVELOPERS, LP  
AND CCC OPERATIONS, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 9, 2024, a true and correct copy of the foregoing was served on counsel for Defendants' counsel via electronic service through the PACER CM/ECF Docket System.

By: /s/ Matthew B. Probus  
Matthew B. Probus